

## REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 4-10 and 16-29 have been amended. Claims 1-3, 11-15 and 30-36 have been cancelled without prejudice. No new claims have been added. Therefore, claims 4-10 and 16-29 are presented for examination.

### 35 U.S.C. § 102 Rejection

Claims 4, 16, 23 and 30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Souissi, U.S. Patent No. 6,785,556 (“Souissi”).

Claims 4-7, 16-19, 23-26 and 30-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by Watanabe, U.S. Patent Publication No. 2002/0144134 (“Watanabe”).

Souissi discloses “*software configurable wireless modem that can be configured using software downloaded by a host computer . . . [where the] user can select a preferred mode of operation . . .*” (Abstract). Souissi further discloses generating “*a trigger signal that is communicated to the host computer CPU to identify to the host computing device the identity of the mode of operation selected by the Modem Configuration Trigger . . .*” (col. 6, lines 13-19; emphasis provided).

Watanabe discloses “*a software defined radio and an approval system of a radio which can flexibly cope with specification alteration . . .*” (Abstract; emphasis provided). Watanabe further discloses as objects of the invention to “*make regulations for satisfying a specification criterion compatible with freedom of specification alteration . . . [and] conceal contents of software so as to prevent the contents from being analyzed and altered in the case where the software is approved and then distributed, and determine in a radio after downloading whether downloaded software is regular information which is not falsified . . .* [and] where a software defined radio is shipped and

thereafter new software is downloaded and function alteration is conducted, there is a method of *conducting a test and approval of the new software by using hardware of the same type as that already shipped, and distributing the new software.*” (paragraphs 007-009).

In contrast, claim 1, as amended, in pertinent part, recites “prior to downloading the radio protocol by a vendor, determining whether the radio protocol meets certification requirements of a third-party certification authority prior to the radio protocol being distributed to the vendor; providing guarantees regarding the certification requirements to a relevant authority; and downloading the radio protocol at a non-volatile memory device at the baseband module, if the radio protocol meets the certification requirements.” (emphasis provided). Neither Souissi nor Watanabe teach or specifically suggest determining whether a radio protocol meets certification requirements prior to being distributed to a vendor to be downloaded by the same, and providing guarantees regarding such certificate requirements to a relevant authority. (see claim 1). For example, as in the case of Watanabe, merely *preventing the software from being altered or providing new software* is not the same as determining certification requirements of a radio protocol prior to being distributed to and downloaded by a vendor, and providing guarantees of such certification requirements a relevant authority as recited by claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claim 16 and 23 contain limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 16 and 23 and their dependent claims.

**35 U.S.C. § 103 Rejection**

Claims 8-10, 20-22, 27-29 and 34-36 stand rejected under 35 U.S.C. §103(a) as being anticipated over Watanabe in view Mayer, U.S. Patent No. 4,442,486 (“Mayer”).

Claims 8-10, 20-22 and 27-29 depend from one of claims 1, 16 and 23 and thus include all the limitations of the corresponding base claim. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 8-10, 20-22 and 27-29.

Claims 34-36 have been cancelled without prejudice.

**Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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